

ASSEMBLY BILL

No. 198

Introduced by Assembly Member Frazier

January 28, 2015

An act to add Section 21719 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 198, as introduced, Frazier. Vehicles: tow truck assistance.

Existing law prohibits a person from stopping, parking, or leaving standing any vehicle upon a freeway that has full control of access and no crossing at grade except when necessary for the purpose of rapid removal of impediments to traffic by the owner or operator of a tow truck operating under an agreement with the Department of the California Highway Patrol.

This bill would authorize a driver of a tow truck operating under an agreement with the law enforcement agency responsible for investigating traffic collisions on the roadway to utilize the center median or right shoulder of a roadway in the event of an emergency occurring on a roadway that requires the rapid removal of impediments to traffic or rendering of assistance to a disabled vehicle obstructing a roadway if specified conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21719 is added to the Vehicle Code, to
2 read:

1 21719. Notwithstanding any other law, in the event of an
2 emergency occurring on a roadway that requires the rapid removal
3 of impediments to traffic or rendering of assistance to a disabled
4 vehicle obstructing a roadway, a tow truck driver operating under
5 an agreement with the law enforcement agency responsible for
6 investigating traffic collisions on the roadway may utilize the
7 center median or right shoulder of a roadway if all of the following
8 conditions are met:

9 (a) A peace officer employed by the investigating law
10 enforcement agency is at the scene of the roadway obstruction and
11 has determined that the obstruction has caused an unnecessary
12 delay to motorists using the roadway.

13 (b) A peace officer employed by the investigating law
14 enforcement agency has determined that a tow truck can provide
15 emergency roadside assistance by removing the obstruction and
16 gives explicit permission to the tow truck driver allowing the
17 utilization of the center median or right shoulder of the roadway.

18 (c) The tow truck is not operated on the center median or right
19 shoulder at a speed greater than what is reasonable or prudent
20 having due regard for weather, visibility, the traffic on, and the
21 surface and width of, the roadway, and in no event at a speed that
22 endangers the safety of persons or property.

23 (d) The tow truck displays flashing amber warning lamps to the
24 front, rear, and both sides while driving in the center median or
25 right shoulder of a roadway pursuant to this section.